

Ecological Systems, Inc. (ESI)
4910 West 86th Street
Indianapolis, Indiana 46268
Pretreatment History
October 12, 2009

EPA Region 5 Records Ctr.



375275

(Enforcement actions noted in **BOLD**)

Disclaimer: Administrative Hearing documents (including Motions for Continuance) and miscellaneous correspondences not included in this timeline.

Ecological Systems, Inc. is a centralized waste treatment facility that processes primarily petroleum contaminated water to reclaim oil for resale. The company was previously known as Envirosolve, formerly located at 1125 Brookside Avenue, Suite D and 5608 Massachusetts Avenue.

November 10, 1999 -- Relocated to 4910 West 86th Street – The City issued Industrial Discharge Permit number 495306 (transferred from 1125 Brookside Avenue) to the new location.

February 23, 2001 – One (1) Total Petroleum Hydrocarbon (TPH) sample exceeded permit limit. Notice of Violation (with no penalty assessed) issued on April 20, 2001.

July 20, 2001 – Pursuant to Federal Categorical Pretreatment Standard for Centralized Waste Treatment (CWT) facilities, ESI submits baseline monitoring report to UW - IPP. (Due within 180 days after promulgation of federal rule.)

November 1, 2002 – Industrial Discharge Permit is revised to include MTBE. Expiration date is October 31, 2007. Benzene and BTEX limits already included.

March 27, 2003 – Violation letter issued for white, foaming substance emanating from manhole along West 86th Street. Written response from ESI indicated that they cleaned up the foam with vacuum truck and the material causing the problem will no longer be accepted.

June 19, 2003 – One (1) Copper sample exceeded permit limit. Notice of Violation (with no penalty assessed) issued on July 11, 2003.

December 19, 2003 – Industrial Discharge Permit modified to include requirements for centralized waste treatment facilities. Permit expiration date remains October 31, 2007. Permit includes limits for Benzene, BTEX, and MTBE. (Federal Categorical Standard became effective December 22, 2003.)

January 23, 2004 – Industrial Discharge Permit modified to remove 2,3-dichloroaniline as a regulated parameter.

January 28-30, 2004 – USEPA Region V, USEPA HQ, and IDEM conduct audit of Industrial Pretreatment Program. During audit, USEPA visits all Indianapolis CWT facilities, including ESI. No problems observed by USEPA.

May 5, 2004 – One (1) Copper and one (1) zinc sample exceeded permit limit. Notice of Violation (with no penalty assessed) issued on June 9, 2004.

September 1, 2005 – NOV (with penalty) issued for 12 violations of copper, pH, lead, zinc, tin, and BTEX on various dates between January 28, 2004 and July 27, 2005.

February 7, 2006 -- After various meetings and correspondences, Compliance Agreement is finalized by Administrative Hearing Officer to resolve NOV issued September 1, 2005, with a penalty of \$1,500.00.

February 13, 2006 (and revised on June 28, 2006) – NOV (with penalty) issued for 11 violations of Benzene, BTEX, and Copper on various dates between December 19, 2005, and May 30, 2006.

August 8, 2006 -- After various meetings and correspondences, Compliance Agreement is finalized by Administrative Hearing Officer to resolve NOV issued on February 13, 2006. Compliance Agreement includes a compliance program for installation of an air stripper to ensure compliance with the Benzene and BTEX limit and penalty of \$15,750.00.

March 15, 2007 – Oily substance observed at various locations where sewer overflowed along North Belmont Interceptor. Investigations conducted by IDEM, MCHD, DPW, and UW indicated illegal discharge from ESI resulted in oily discharge in overflow.

April 17, 2007 – Sewer at ESI that allowed the illegal discharge to be concreted pursuant to City's order.

May 17, 2007 – City issues Notice of Violation (with penalty to be assessed) for 10 Benzene, BTEX, and MTBE violations on various dates between October 31, 2006, and May 1, 2007, and illegal discharge caused on March 15, 2007.

June 7, 2007 – Meeting with ESI to discuss NOV, violations, and request compliance plan.

June 14, 2007 – Letter from ESI as follow-up from meeting held on June 7, 2007 with City discussing violations. Letter indicated that previous problems may be due to lack of contact time with hydrogen peroxide in the oxidation chamber. New bulk hydrogen peroxide tank and

metering pump installed. Air stripper installed; however, ESI acknowledges that improvements are not enough.

July 16, 2007 -- Letter from ESI indicates that increase in Benzene, BTEX, and MTBE due to increase in business and oil dehydration system adding significant loading to current air stripper.

August 20, 2007 – City schedules matter for hearing based upon meeting held on June 7, 2007, and correspondence from ESI on June 14, 2007, indicating that they expected to be in compliance with Benzene, BTEX, and MTBE limits.

August 30, 2007 – Letter from ESI indicates that compliance is expected to be achieved potentially by August 31, 2007 with use of air stripper.

September 19, 2007 – Meeting held with ESI to discuss NOV including BTEX and MTBE removal and converting North API into air stripper.

October 15, 2007 – IDEM issues NOV to ESI for illegal discharge on March 15, 2007.

November 1, 2007 – City issues Industrial Discharge Permit renewal. Permit expires on October 31, 2012.

November 13, 2007 – City requests meeting with IDEM Office of Land Quality to discuss discharge of oily substance at ESI. During meeting, City is informed by IDEM that ESI processed PCB contaminated waste oil in July 2007. According to IDEM and ESI, the PCB contaminated waste oil would not have come into contact with the wastewater discharge. USEPA working with ESI to properly dispose of PCB contaminated oil. City was not informed by ESI, USEPA, or IDEM prior to the City's meeting with IDEM. Upon discovering the information, the City began sampling the discharge on November 15, 2007. After various samples were collected, no PCBs were detected.

January 28, 2008 – Permit modified to include PCB sampling twice per month in response to processing of PCB contaminated waste oil. (Permit modification for other 2 Indianapolis CWTs to include PCB sampling also issued.)

June 8, 2008 – Administrative Hearing rescheduled due to unavailability of hearing officer.

August 25, 2008 – IDEM finalizes the Agreed Order (Case No. 2007-17091-W) as resolution of the NOV issued on October 15, 2007 with a penalty of \$10,500.00.

November 20, 2008 – The Notice of Violation was revised to include additional 55 violations for various dates between October 31, 2006, and September 10, 2008. The violations include 20

Benzene violations, 19 BTEX violations, 10 MTBE violations, 6 copper violations, 3 lead violations, 2 tin violations, 1 zinc violation, 2 p-cresol violations, and 1 TPH violation. Additionally, a proposed Compliance Agreement (Docket number 08-IP-0343) was included with a compliance program and a penalty. This action has not been resolved.

January 29, 2009 – Meeting with ESI to discuss revised NOV, proposed Compliance Agreement, and continuing pretreatment violations. ESI proposed improving stripping capacity of North API separator (air stripper) with improved diffusers.

June 3, 2009 – Meeting with ESI held discuss continuing pretreatment violations and compliance activities. Compliance plan submitted by ESI including removal of solids from East and West million gallon tanks, installation of additional diffusers in air stripper. ESI evaluated other potential types of physical treatment. ESI proposed that additional storage capacity in million gallon tanks would help equalize process water prior to treatment in their wastewater treatment system.

June 16, 2009 – USEPA Region V conducts inspection for SPCC (Spill Prevention Control and Countermeasures) regulation and FRP (First Response Plan). Off-site spill drill conducted, records reviewed and facility toured. USEPA's concern was only potential off-site spills (not into sewer). USEPA indicated that no problems were observed.

June 2009 to present – City having bi-weekly meetings to discuss the North Belmont Interceptor. Most meetings have been internal, but ESI has been included in 2 meetings on September 8, 2009, and October 6, 2009. Discussions include flow restriction and improved flow metering at ESI.

July 15, 2009 – Kim and Cheryl met with Mark Sutton as new plant manager.

Present – Revised NOV to include an additional 29 violations (through July 21, 2009) including additional Benzene, BTEX, MTBE, and Bis(2-ethylhexyl)phthalate violations. Currently the revised NOV is scheduled to be issued at same time as the revised Compliance Agreement.

Between January 1, 2008 and August 31, 2009, a total of 940 parameters have been analyzed from the self-monitoring by ESI and the sampling conducted on behalf of the City for compliance purposes. 64 of the samples were in non-compliance (and have or will be in the NOV).

Other issues:

ESI owes City surcharge fees approximately \$190,000 due to billing dispute from 2000.